

FOR UTILITY DESIGN  
CIP/PCT NATIONAL/PLANT  
ORIGINAL/SUBSTITUTE/SUPPLEMENTARY  
DECLARATIONS

APR 2 3 2001

RULE 63 (37 C.F.R. 1.63)  
DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

PM & S  
FORM

7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the **INVENTION ENTITLED COMPOSITION COMPRISING CARBOHYDRATE AND PEPTIDE MATERIAL AND ITS USE AS AN ENERGY SUPPLEMENT AFTER OR DURING PHYSICAL EXERCISE OR AS A METABOLIC NUTRIENT FOR ORAL CONSUMPTION**

the specification of which (CHECK applicable BOX(ES))

X BOX(ES) → A. ☐ is attached hereto.  
→ B. ☒ was filed on DECEMBER 29, 2000 as U.S. Application No. 09/750,031  
→ C. ☐ was filed as PCT International Application No. PCT/ / on

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application.

PRIOR FOREIGN APPLICATION(S)

Number Country Day/MONTH/Year Filed  
99204607.8 EUROPE 30 DECEMBER 1999

Date first Laid-  
open or Published

Date Patented  
or Granted

Priority NOT Claimed

If more prior foreign applications, X box at bottom and continue on attached page.

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application.

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)

Application No. (series code/serial no.) Day/MONTH/Year Filed

Status

pending, abandoned, patented

Priority NOT Claimed

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3918, telephone number (202) 861-3000 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names/numbers below of persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above firm and/or a below attorney in writing to the contrary.

Paul N. Kokulis	16773	Paul E. White, Jr.	32011	Stephen C. Glazier	31361	William P. Atkins	38821
Raymond F. Lippitt	17519	Glenn J. Perry	28458	Ruth N. Morduch	31044	Paul L. Sharer	36004
G. Lloyd Knight	17698	Kendrew H. Colton	30368	Richard H. Zaitlen	27248	Robin L. Teskin	35030
Kevin E. Joyce	20508	G. Paul Edgell	24238	Roger R. Wise	31204		
George M. Sirilla	18221	Lynn E. Eccleston	35861	Michael R. Dzwonczyk	36787		
Donald J. Bird	25323	Timothy J. Klima	34852	W. Patrick Bengtsson	32456		
Peter W. Gowdey	25872	David A. Jakopin	32995	Jack S. Barufka	37087		
Dale S. Lazar	28872	Mark G. Paulson	30793	Adam R. Hess	41835		

(1) INVENTOR'S SIGNATURE:

Date: 26-03-2001

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(2) INVENTOR'S SIGNATURE:

Date: 26-03-2001

Antonius	A.J.	WAGENMAKERS
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"X" box ☒ FOR ADDITIONAL INVENTORS, and proceed on the attached page to list each additional inventor.

☐ See additional foreign priorities on attached page (incorporated herein by reference).

Atty. Dkt. No. PW 276550

(M#)

## DECLARATION AND POWER OF ATTORNEY

(continued)

## ADDITIONAL INVENTORS:

(3) INVENTOR'S SIGNATURE: 

Date: 20/3/2001

	Andries	D.	SIEMENSMA
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(4) INVENTOR'S SIGNATURE: 

Date: 20/3/2001

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(5) INVENTOR'S SIGNATURE: 

Date: 20/3/2001

	Marcellinus	J.J.	HAKKAART
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	City	State/Foreign Country	Country of Citizenship
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(6) INVENTOR'S SIGNATURE: 

Date: 21/3/2001

	Wifhelmus	H.M.	SARIS
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(7) INVENTOR'S SIGNATURE:

Date:

	First	Middle Initial	Family Name
Residence			
	City	State/Foreign Country	Country of Citizenship
Mailing Address			
(include Zip Code)			

(8) INVENTOR'S SIGNATURE:

Date:

	First	Middle Initial	Family Name
Residence			
	City	State/Foreign Country	Country of Citizenship
Mailing Address			
(include Zip Code)			

(9) INVENTOR'S SIGNATURE:

Date:

	First	Middle Initial	Family Name
Residence			
	City	State/Foreign Country	Country of Citizenship
Mailing Address			
(include Zip Code)			

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## FILING COMPLETION UNDER RULE 53(f)

( NOT PCT Applications )  
For Design, Provisional, or Utility ApplicationsPATENT  
APPLICATION**COMPLETION Under**  
Rule 53(f)In re PATENT APPLICATION of  
SIEMENSMA, et al.

Attn: Application Division

Appln No.:	09	750,031	Atty.Dkt.	276550	BO-43213 ACW
	Series Code	Serial No.		M#	Client Ref

Filed: December 29, 2000

Title: COMPOSITION COMPRISING CARBOHYDRATE AND PEPTIDE MATERIAL AND ITS USE AS AN  
ENERGY SUPPLEMENT AFTER OR DURING PHYSICAL EXERCISE OR AS A METABOLIC NUTRIENT  
FOR ORAL CONSUMPTIONHon. Commissioner of Patents  
Washington, DC 20231

Date: April 23, 2001

Sir:  
The following completes the filing under Rule 53(f) of the above-identified patent application:1. **Notice to File Missing Parts** ☐ copy attached ☐ not yet received2. ☒ Signed Declaration attached. ☒ Original ☐ Facsimile/Copy

(Always "X" box 2 if filing signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or

"X" box 2B only if none of the top three boxes of the Declaration is X'd.)

2A. ☐ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of  
specification and claim(s) originally filed to secure the above filing date.2B. ☒ The original application as filed in the PTO on the above filing date is the application which each  
inventor executed by signing the attached Rule 63 Declaration.3. ☐ Specification originally filed in non-English language; hence verified translation attached of:a. ☐ Abstractb. #  pages of Specification (only spec. & claims)c. ☐ Drawing(s)

No of Sheets

☐ Fig(s).4. ☐ Letter filing formal drawing attached.5. ☒ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.6. DOMESTIC/INTERNATIONAL priority is claimed under 35 USC 119(e)/120/365(c) based on the following  
provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

7. FOREIGN priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in Europe

Application No.	Filing Date	Application No.	Filing Date
(1) 99204607.8	December 30, 1999	(2)	
(3)		(4)	
(5)		(6)	

Completion Under Rule 53(b)

9. \_\_\_\_\_ (No.) Certified copy (copies): ☐ attached; ☐ previously filed (date) \_\_\_\_\_  
in U.S. Application No. \_\_\_\_\_ / \_\_\_\_\_ filed on \_\_\_\_\_
10. Small Entity Status ☐ ☒ is Not claimed ☐ is claimed (file PAT-256 if this is the first claim of Small Entity Status)
11. ☐ Attached:
12. ☐ Preliminary Amendment:

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED**

				Large/Small Entity		Fee Code
13. Basic Filing Fee . . . . . Design Application				\$320/\$160		106/26
Not Design Application				\$710/\$355	\$710.00	101/201
14. Total Effective Claims	17	minus 20 =		x \$18/\$9	+0	103/203
15. Independent Claims	1	minus 3 =		x \$80/\$40	+0	102/202
16. If any proper multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)				\$270/\$135	\$270.00	104/204
17. Surcharge for filing Declaration/filing fee late				\$130/\$65	\$130.00	105/205
18. FILING FEE ENCLOSED =					\$1,100.00	
19. Original due date: April 9, 2001						
20. Petition is hereby made to extend the original due date to				(1 mo)	\$110/\$55 =	\$110.00
cover the date this response is filed for which the requisite fee				(2mos)	\$390/\$195 =	115/215
is attached				(3mos)	\$890/\$445 =	116/216
				(4mos)	\$1390/\$695 =	117/217
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee . . . . .				\$130	+0	118/218
22. If "assignment" box 5 is X'd, add recording fee . . . . .				\$40	\$40.00	139
23. Petition Fee for				\$130	+0	581
24. TOTAL FEE ENCLOSED =					\$1,260.00	

Our Deposit Account No. 03-3975

Our Order No. 51079 276550

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Intellectual Property Group**

By Atty: Kendrew H. Colton

Reg. No. 30368

Sig: 

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Atty/Sec: KJC/lls

**NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments**